

GOVERNING BODY PROCEDURAL RULES

OBJECTIVES:

These procedural rules (Rules) are intended for use by the [~~City Council~~]Governing Body of the City of Santa Fe (Governing Body or [~~council~~]Council) to: expedite business; maintain order; ensure justice and equality for all; guide the actions of the Governing Body in the general conduct of business; and serve as a reference in settling parliamentary disputes.

I. THE GOVERNING BODY

The members of the [~~City Council~~]Governing Body, exclusive of the Mayor, shall be known and designated as Councilors. The Mayor and the Council together are the Governing Body of the city. (§2-1.1 *SFCC 1987*)

A. THE MAYOR

1. The Mayor of Santa Fe is the presiding officer (Presiding Officer or Chair).
2. The Mayor, or in the Mayor's absence, the Mayor Pro-tem, shall preside at all meetings of the Governing Body. In the absence of both the Mayor and Mayor Pro-tem, the [~~remaining members of the Council shall elect a Presiding Officer as the first matter of business~~] Mayor or Mayor Pro-tem shall appoint the chair.
3. The Chair is responsible for conducting meetings in an orderly, democratic fashion. The Chair must assure that the majority prevails; that minority rights are protected; and that courtesy, fairness, justice and impartiality are guaranteed to all present.
4. The Chair has discretionary powers to alter the order of business in the interest of fairness, courtesy, or an emergency.
5. The Mayor has a vote on all matters that come before the Governing Body. (Municipal Charter of the City of Santa Fe, Article V., § 5.01.B.)

B. THE [~~COUNCIL AND THE~~] GOVERNING BODY

1. Members of the Governing Body shall observe order, civility and decorum at all times and neither delay nor interrupt the proceedings of a meeting or the Presiding Officer.
2. Members of the [~~Council~~] Governing Body shall address all questions to and through the Chair, only after recognition by the Chair.

3. Members of the Governing Body shall introduce resolutions or bills at ~~[any]~~ a regular meeting of the Governing Body; ~~[but]~~ however, no ~~[substantive]~~ action shall be taken ~~[thereon]~~ on any such resolution or bill unless and until ~~[there is compliance with the provisions set forth herein]~~ it has gone through the committee review process and been recommended for approval by one or more city committees or ~~[if the matter constitutes an emergency]~~ a matter of necessity or an emergency in accordance with these Rules ~~[and the procedures for considering same are followed. If emergency action is not required, the resolution or bill shall be scheduled for committee consideration and Governing Body review as appropriate].~~ For the purpose of these rules a “city committee” is a standing committee with a membership comprised only of Councilors. The purpose of an introduction is to notify the public of the Governing Body’s intent to consider the legislation in future meetings.
4. No resolution or bill shall be introduced that is not drafted and in sufficient form to be posted on the City’s website by noon of the day immediately following its introduction.

II. PUBLIC DECORUM

- A. ~~[While the Governing Body is in session, no person shall act in a disorderly manner, nor while addressing the Governing Body shall any person make any personal, impertinent or slanderous remarks. The Chair may prohibit any person who is acting improperly from continuing to speak.]~~ The Governing Body should and shall set an example for the conduct of the public’s business, showing respect for the Governing Body as an institution, and to its individual members, City staff and to all appearing before it. While the Governing Body is in session, civility and public decorum shall be observed at all times and no person shall make or be permitted to continue to make any personal, impertinent or slanderous remarks. The Chair shall prevent and, where necessary, prohibit any person who is acting improperly from continuing to speak and may direct their removal from a meeting.
- B. The Chief of Police, or his or her designee, shall serve as Sergeant-at-Arms.

III. REGULAR AND SPECIAL COUNCIL MEETINGS

Regular ~~[City Council]~~ meetings of the Governing Body are comprised of two sessions each and are held at City Hall in the Council Chambers on the second and last Wednesday of each month, or as otherwise determined by vote of the Governing Body. The afternoon session begins at 5:00 p.m. The evening session begins at 7:00 p.m. or immediately after the end of the afternoon session, whichever is later, and shall be adjourned no later than ~~[12:00 a.m.]~~ 11:30 p.m. Agenda items not considered prior to 11:30 p.m. shall be ~~[considered when the meeting is reconvened or tabled for a subsequent meeting]~~ postponed to a subsequent meeting, provided that the date, time and place of such meeting is specified at the time of

postponement. A majority of the whole number of members elected to the Governing Body may choose to suspend this rule pursuant to Section X. below.

Special meetings of the Governing Body may be called pursuant to Section 2-1.12 of the Santa Fe City Code.

IV. MEETING AGENDA

A. Agenda preparation: The City Manager or his or her designee, through the City Clerk, shall prepare an agenda for all ~~[council]~~ meetings of the Governing Body.

(1) The agenda shall include items that require ~~[council]~~ Governing Body action, presentations and informational items. On action items, the City Manager shall provide all facts necessary for proper study and decision-making by the Governing Body. When appropriate, the City Manager, working with staff, shall give his or her recommendation for action on issues under consideration. Additionally, the City Manager may place on an agenda any matter so requested by a majority vote of all members of the Board of County Commissioners of Santa Fe County or a majority vote of all members of any city committee.

(2) ~~[The agenda shall not include any item that has not]~~ No item shall be placed on the agenda unless it has gone through the committee review process and has ~~[not]~~ been recommended for approval by ~~[any]~~ at least one city committee.

(3) ~~[In extraordinary circumstances, because of necessity and/or for emergency purposes, a]~~ An item may bypass the committee review process and be placed directly on the ~~[Council]~~ Governing Body meeting agenda ~~[without being considered by any committee. The staff person responsible for the item shall communicate the basis for such extraordinary circumstances to the committee chairpersons of the committee(s) the item would have gone through had the extraordinary circumstances not occurred.]:~~

(a) When uncommon circumstances make it necessary for the Governing Body to consider and/or act on the item within a period of time that is insufficient to permit it to go through the committee review process, but sufficient to meet the notice requirements of the Open Meetings Act; or

(b) In case of emergency, when unforeseen circumstances that, if not addressed immediately by the Governing Body, notwithstanding the inability to give sufficient notice pursuant to the Open Meetings Act, will likely result in injury or damage to persons or property or substantial financial loss to the city

- B. ~~[Those i]~~Items of a routine ~~[or non-controversial]~~ nature without fiscal impact and ~~[those]~~ items recommended for approval by ~~[a]~~ one or more city committees, ~~[and requiring council action]~~ which have been before sufficient committees to ensure that each Councilor has had an opportunity to consider the matter before it comes before the Governing Body for action, may be placed on a consent calendar by the City Manager or Presiding Officer. Such matters shall be called Consent Agenda Matters.
- C. The purpose of a consent calendar ~~[section]~~ of the agenda is to expedite approval by the Governing Body of ~~[several routine action items]~~ Consent Agenda Matters with one motion ~~[to minimize the need for lengthy discussion]~~ as the need for lengthy discussion should not be required due to both prior action and routine nature. All other items requiring action by the Governing Body will be placed in the appropriate portion of the agenda.
- D. The following items requiring action by the Governing Body [which are considered appropriate consent calendar items have ordinarily been approved by one or more Council Committees include], having met the substantive or procedural requirements of a Consent Agenda Matter, are considered appropriate consent calendar items:
1. Budget transfers and increases.
 2. Approval of agreements, bid awards, change orders and amendments to agreements when required by the City Purchasing Manual.
 3. Approval of applications and agreements for federal and state grants.
 4. Routine grants of licenses or other non-possessory interests in real property.
 5. Routine Memorandum of Understandings or other cooperative agreements.
 6. Job reclassifications.
 7. Collective bargaining agreements.
 8. Setting of public hearing dates for proposed ordinances.
 9. Setting of public hearing dates for quasi-judicial hearings.
- E. Items requiring action by the Governing Body which are not considered appropriate for the consent calendar include:
1. Public hearings and actions on all ordinances.

2. Annual budget approval.
3. User fees for City facilities which have been established by ordinance.
4. Quasi-judicial hearings.
5. Personnel issues not related to specific employees, such as the creation of new employment positions, or personnel rules.
6. Procedural rules of the Governing Body.
7. Board, committee and agency appointments.
8. ~~[Items on the consent calendar which a member of the Governing Body has requested to be placed upon the regular agenda]~~ Action on contracts, agreements and other matters which have a fiscal impact, singularly or collectively, in excess of \$100,000.00 in any fiscal year.

F Items on the consent calendar shall be moved from the consent agenda to the regular agenda for further discussion and action upon the request of any member of the Governing Body. Each Governing Body member shall diligently review the consent calendar items and their packet within 48 hours of receipt thereof. Accordingly, to move a matter from the consent agenda to the regular agenda, the authorized person shall make the request by submitting to the City Clerk and the members of the Governing Body no later than 4:00 p.m. on the Monday preceding the meeting of the Governing Body a written request setting forth the particular matter to be so moved with a brief statement of the reasons therefor, which reasons must relate to the item being considered. No matter on the consent agenda should be requested to be moved to the regular agenda for purposes of inquiries not specifically relating to the particular item. Members of the Governing Body are encouraged both to seek information from City staff directly in lieu of moving matters from the consent agenda to the regular agenda and to be considerate of the best use of and respect for the time of the public, staff and of the Governing Body while it is in session.

[F]G. Schedule for inclusion of items on agenda: All matters for a given agenda shall be filed with the City Clerk no later than noon ~~[seven-(7)]~~ eight (8) business days prior to the meeting date. All agenda items shall include all background materials necessary for the Governing Body to take action. Copies of the complete agenda and packet shall be delivered to the Governing Body for study and review the Friday immediately prior to Council meeting. New agenda items not filed by the deadline shall not be considered until a subsequent Council meeting, except in the case of an emergency as described in Section IV(A)(3).

[G]H. Receipt of Agenda Packets: All agenda packets delivered to the Governing Body prior to a Council meeting shall be deemed to have been received and read, unless a member indicates to the contrary prior to the commencement of a Council meeting. In such cases, the Chair shall, at his or her discretion, determine an appropriate course of action.

[H]I. Exception: A majority of the whole number of the Governing Body may vote to consider emergency matters not on the agenda consistent with Section IV(A)(3) above or otherwise with the New Mexico Open Meetings Act ~~[requirements]~~.

V. ORDER OF BUSINESS

A. AFTERNOON SESSION:

1. Call to order: The Chair shall call the meeting to order promptly at the appointed hour.
2. Pledge of allegiance.
3. Salute to the New Mexico flag.
4. Invocation.
5. Roll Call: The City Clerk shall call the roll of the Governing Body and record the names of those present and absent for inclusion in the minutes of the meeting. A quorum must be present in order to conduct business.
6. Approval of agenda: The City Manager, the Mayor or a Council member may request ~~[emergency]~~ additions to the agenda in accordance with these Rules, deletions, alterations in the order of items and requests for postponement of items on the agenda. Emergency additions ~~[or deletions]~~ must be approved by a majority of the whole number of the Governing Body before the agenda is approved.
7. Approval of consent calendar: Items on the "consent calendar" may be passed by a single motion without discussion. The motion shall be approved by a majority of the whole number of members of the Governing Body and shall be recorded by roll call vote. Any member of the Governing Body may ~~[request that any item be removed from the consent calendar for discussion or debate and any such request shall be granted automatically]~~ move at the Governing Body meeting that a Consent Agenda Matter be removed from the consent calendar for further discussion or debate providing a short explanation for the request, and upon the making of such a motion, properly seconded, the Governing Body shall consider same by majority vote. In the minutes, each item passed by adoption of the consent calendar shall be entered as a separate action of the Governing Body.

8. Approval of minutes.
9. Presentations and information to the Governing Body.
10. Consent Calendar (Consent Agenda Matters ~~[items]~~ that were removed from consent calendar).
11. Committee reports: Municipal Officers, Department Heads, Boards and Commissions shall present items that require ratification or debate and action by the Governing Body.
12. Items that have not been introduced through a Committee which do not fall under any other agenda items.
13. Matters from the City Manager.
14. Matters from the City Attorney.
 - a. Executive Session. Pursuant to §10-15-1 (H) NMSA 1978, an executive session may be called for ~~[discussion of personnel matters or legal negotiations and for]~~ any matters permitted under law to be discussed in executive session. The Mayor, after conference with the City Manager and the City Attorney, or any three members of the Governing Body, after conference with the City Manager and the City Attorney, may direct the City Manager and the City Clerk to place an appropriate item for executive session on the agenda. Any member of the Governing Body may move at any time to discuss the item on the table in immediate executive session if it is their opinion that the matter is appropriate for executive session. Any matter subject to the attorney-client privilege or any other existing privilege shall only be discussed in executive session and shall not be made public unless a majority of the whole number of members of the Governing Body, in an open meeting, votes to waive the privilege.
 - b. The motion to go into an executive session shall be voted on by roll call with a majority of the Governing Body present.
 - c. The executive session may be held at the discretion of the Governing Body, at any time during the Council meeting before adjournment of the evening session. No votes shall be taken in executive session.
 - d. Upon completion of discussions in an executive session, the Governing Body shall move, second and approve the reconvening of the public meeting.

- e. If a member of the Governing Body wishes to waive a privilege, that member shall immediately move that the privilege be waived and the contents of the discussion in executive session be disclosed. No disclosure of Executive Session matters may be made unless and until the Governing Body has approved the disclosure of the information. The privilege of Executive session is that of the Governing Body, not individual members of the Governing Body. Any member of the Governing Body who violates this provision shall be subject to censure and other disciplinary penalties in accordance with law.
- f. In the alternative a member of the Governing Body shall state for the record that the discussions in executive session were limited to the matters listed upon the agenda.
- g. If any final action is to be taken regarding matters discussed in executive session, direction to take such action shall be made in the form of a motion instructing the City Manager or City Attorney to take action consistent with the discussion held during the executive session. The motion shall be approved by a majority of the whole number of members of the Governing Body and shall be recorded by a roll call vote. For the purposes of this rule in the context of matter subject to the attorney-client privilege, “final action” means only an action that will directly conclude pending litigation, by settlement or otherwise. Within an executive session, the City Attorney may seek consensus or direction from the Governing Body on any matter subject to the attorney-client privilege, and such consensus or direction shall not constitute final action.
- h. Any action constituting final action shall be executed by the appropriate signatories after the Governing Body votes upon the motion and the document or documents reflecting the final action taken shall become public records immediately thereafter, unless a court of competent jurisdiction has issued a contrary order or unless revelation of the final action would constitute a violation of law.
- i. The Governing Body hereby states its consensus and position that to promote transparency in City government and to ensure the maximum opportunity of the public to participate in the decision making of City government, that it is the policy of the Governing Body to strictly construe the exceptions set forth in the New Mexico Open Meetings Act for which Executive Sessions are appropriate.

15. Matters from the City Clerk.

16. Communications from the Governing Body.

17. Recess.

B. EVENING SESSION:

1. Call to order.
2. Pledge of allegiance.
3. Salute to the New Mexico flag.
4. Invocation.
5. Roll call.
6. Petitions from the floor (7:00 p.m. to 7:30 p.m.).
7. Appointments.
8. Public hearings.
9. Adjournment.

VI. RULES FOR SPEAKERS

- A. Recognition by the Chair: A Council member who wishes to speak shall address the Chair and, after being recognized by name, present his or her issue and confine comments to that issue.
- B. Order of speakers: Only one person at a time may have permission to speak.
- C. All requests to speak and debate shall be addressed to and through the Chair.
- D. Interruption of a speaker: While a person is speaking, no one shall interrupt the speaker except:
 1. For a *Point of Order* whereby another Council member thinks [the *Governing Body Procedural Rules*] these Rules are being violated.
 2. For a *request or inquiry* to obtain information that requires an immediate response.
 3. To *Raise a Question of Privilege* that permits a request or main motion relating to the rights and privileges of the Governing Body or any of its

members to be brought up for possible immediate consideration because of its urgency.

After a legitimate interruption, the recognized speaker may continue, if appropriate. For a detailed explanation of this section, see *Robert's Rules of Order*, [~~§41~~] §43.

- E. Permission to speak more than once to the same motion: A Council member may speak ~~[more than once]~~ no more than three times to the same motion, except with leave of the Presiding Officer, only when all other Council members desiring to speak have been heard, except to answer questions. No member may speak more than twice or for more than a total of ten (10) minutes to the same motion, exclusive of the one (1) minute taken to explain his or her vote in accordance with these Rules.
- F. Petitions from the Floor shall generally be heard ~~[from]~~ between 7:00 p.m. and 7:30 p.m., or as soon thereafter as can be reasonably achieved. ~~[A time limitation of three minutes shall be allotted to each speaker and the Mayor shall have the right to place such other limitations upon speakers as may be reasonably necessary to conclude Petitions from the Floor within the allocated time and proceed with other business]~~ Petitions from the floor shall be limited to three (3) minutes, however, the Presiding Officer may reduce the numbers of minutes to two (2) minutes if more than 5 people choose to make petitions from the floor.
- G. On any matter, except motions as provided for above, members of the Governing Body shall not be permitted to speak more than thrice, and for no more than ten (10) minutes on each matter, unless exceptional circumstances exist and the Presiding Officer, at the Presiding Officer's discretion, allows one additional opportunity for a member to speak. The Presiding Officer shall have the right to place such other limitations upon speakers as may be reasonably necessary to conduct the business of the Governing Body.
- H. The parties appearing before the Governing Body on any adjudicatory or quasi-adjudicatory matter shall have reasonable opportunity to present their position to the Governing Body.

VII. MAIN MOTION AND RULES OF DEBATE

- A. Main motion: A main motion must be on the floor before debate can take place and only one main motion may be on the floor at a time. The form for a main motion is "I move that . . ." If a motion is long or complicated, a Council member may request that it be in writing. A Council member may give brief explanatory comments before stating the motion, but must argue and debate the motion only after it has been seconded. The movant may speak first on the motion.
- B. Second for a motion: All main motions require a second to indicate that more than one Council member is interested in discussing the issue. The second does not,

however, have to favor the motion and may both speak and vote against it. If there is no second, the motion dies.

- C. Debate: The Chair shall restate the motion on the floor and call for general discussion. Roberts Rules of Order shall apply for amendments, postponement, tabling, ending debate, reconsideration, recission, and related matters on a motion.
- D. Closing debate: When debate appears to have closed, the Chair shall ask the Council members if they are ready for the question. A Council member may move to close debate only when all members of the Governing Body have had an opportunity to speak to the pending motion. ("I move the previous question" or "I call the question.") The motion to close debate is not debatable and requires a two-thirds (2/3) vote of those present and voting.

VIII. PUBLIC HEARING PROCEDURES

A. Rules and procedure

- 1. The Chair shall read the title and/or description of the item set for public hearing.
- 2. An appropriate staff member shall be called upon to present background information.
- 3. The Chair shall ask if there is anyone in the audience who cares to speak for or against the issue.
- 4. The Chair may set time limits and conditions for speakers before the public hearing begins and may not change those conditions during the public hearing.
- 5. Members of the Governing Body may address questions to public speakers for clarification of the matters contained in the presentation of the particular speaker. Questions from the members should be direct and to the point.
- 6. During the public hearing, members of the Governing Body may ask questions of the staff for clarification purposes on the matter before the Governing Body.
- 7. If a motion is made to reschedule an item that has been advertised as a public hearing before all members of the public who are present at that meeting have been allowed to speak, the continuation of that item shall be a public hearing. If a motion is made to reschedule an item that has been advertised as a public hearing after the public hearing is closed, the motion shall indicate whether further public comment will be accepted at the continuation of that item. If no further public comment will be accepted,

that decision shall be noted on any future agenda. The decision not to hear ~~[no]~~ further public comment ~~[in such cases]~~ may be overturned by a majority vote of the Governing Body, but if it is overturned, sufficient notice shall be given to the public that public comment will now be accepted.

B. Participation in public hearings:

1. Written communications: Interested parties or their representatives may address the ~~[Council]~~ Governing Body in writing and read or summarize their ideas at the public hearing.
2. Oral comment: Each person wishing to address the ~~[Council]~~ Governing Body shall ~~[ask for recognition]~~ be recognized by the Chair and state his or her name and address for the record before speaking to the issue. If the speaker is a representative, he or she shall also identify the person or persons being represented. The Clerk shall first swear or affirm all persons wishing to speak in those proceedings requiring sworn or affirmed testimony.
3. All remarks shall be addressed to the Governing Body as a whole and not to any individual members.
4. All comments by Council members or the public shall be addressed through the Chair.

C. Council debate:

1. When all public speakers have been heard, the Chair shall request an appropriate motion from the Council. After the motion is seconded and restated, discussion and debate among Council members may follow. Questions may be addressed to appropriate staff.
2. Amendments to the main motion may be proposed and voted on. Amendments shall be recorded by the proposer of the amendment on the appropriate form provided them and subsequently filed with the City Clerk. Prior to being voted upon, proposed amendment(s) shall be repeated by dictating page and line number, and the language that shall be amended.
3. When debate is closed by common consent or by a vote, the Chair shall restate the question and request a roll call or voice vote.
4. After confirmation of the vote by the City Clerk, the Chair shall declare the result of the vote.

IX. VOTING

A. TYPES OF VOTE

1. A member of the Governing Body must vote "yes," "no," or "abstain," except in the case of a conflict of interest as defined in the Santa Fe City Code, in which case the member may recuse himself or herself or be disqualified from voting on the issue. Any conflict must be disclosed prior to consideration of the item and any member who has recused himself or herself or has been otherwise disqualified from voting on the issue shall leave the room where the meeting is being held until the vote is taken and recorded by the City Clerk.
2. The roll is called in alphabetical order with the following special provision. On the first roll call vote of the session, the City Clerk shall begin with the first name on the list; on the second vote, the Clerk shall begin with the second name and end with the first; and so on, continuing to rotate in that order, provided that the Mayor shall in all instances vote last.

B. EXPLANATION OF A VOTE: Any member of the Governing Body may request to make a brief statement to explain his or her vote, not to exceed one (1) minute after the vote is taken, and upon being recognized by the Chair.

C. DELAYED VOTE: A Council Member may pass his or her turn to vote no more than once on that item, in which case the Council member's name will be called again in rotation and then he or she must vote "yes", "no" or "abstain."

D. VOTING PROCEDURES: Unless otherwise specified by state law or city ordinance, given a quorum, an action of the Governing Body requires a vote of the majority of the members present ~~[excluding the mayor; however, the mayor may vote to break a tie or when the Mayor's vote will provide the necessary number of votes required by law for taking action on an issue before the Governing Body]~~ and voting.

E. TIE VOTE: ~~[The Mayor may vote to break a tie. The Mayor Pro tem or designated Chair retains his or her right to vote. In cases where the tie vote cannot be broken, the motion fails]~~ In cases of a tie vote, the motion fails.

F. PROXY VOTE: There shall be no proxy or absentee voting. Further, it shall be improper for any Governing Body member to state, or attempt to state, the sentiments of any absent Governing Body member, without prior permission from the absent member.

G. POLICY ON ABSTENTION:

1. If one or more Governing Body members abstain, then the abstentions (except for recusals or disqualifications due to conflicts of interest) shall be counted as "no" votes if the action being voted on is passage of an ordinance

or resolution. If counting the abstention as a "no" vote results in a tie, then ~~[the Mayor shall break the tie]~~ the motion fails.

2. If one or more Governing Body members abstain, and the action being voted on is other than the passage of an ordinance or resolution, then abstentions (except for recusals or disqualifications due to conflict of interest) shall be counted as acquiescence with the majority. If there is no majority because the vote is tied before the abstentions are taken into account, then the abstentions shall not be counted at all and the motion fails. ~~[In such cases, the rule of reduction shall apply and the Mayor shall break the tie.]~~
3. A recusal or disqualification for conflict of interest purposes shall not be counted as a "yes" or "no" vote. ~~[The rule of reduction shall be applied in such a case.]~~

X. AMENDMENT OF THESE RULES

These rules may be temporarily suspended for a single meeting or matter at any time by a majority vote of the whole number of members of the Governing Body. Amendment of these rules shall be made by resolution.

XI. ROBERT'S RULES OF ORDER

Except as otherwise provided herein, all matters of procedures are governed by the most current edition of *Robert's Rules of Order*.

History: Adopted by Resolution No. 2004-55 on July 28, 2004
 Amended by Resolution No. 2006-43 on April 12, 2006
 Amended by Resolution No. 2006-95 on August 9, 2006
 Re-adopted by Resolution No. 2008-103
 Amended by Resolution No. 2009-21 (Salute to New Mexico Flag)
 Amended by Resolution No. 2012-27 (Agenda Items)
 Re-adopted by Resolution No. 2016-__

M/Legislation/Resolutions 2016/2016 Governing Body Procedural Rules (Exhibit A)